

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.: 1:22-CV-23841-CMA

ANA ELVIRA GUILARTE TANTAU

Plaintiff,

vs.

PURE ORGANIC NAIL SALON & SPA INC.,  
A Florida Profit Corporation, and  
FRANCHESKA CANDELARIO, individually,

Defendants.

**PLAINTIFF'S STATEMENT OF CLAIM**

Plaintiff, ANA ELVIRA GUILARTE TANTAU ("Plaintiff"), by and through the undersigned counsel hereby files her Statement of Claim pursuant to this Court's Order (ECF No. 6), dated September 16, 2022, and in support thereof states as follows:

A. An Initial Estimate of the Total Amount of Alleged Unpaid and Overtime Wages

Plaintiff estimates that her total amount of unpaid wages is, at a minimum, \$10,770.00 exclusive of liquidated damages, attorneys' fees, and costs. If liquidated damages are awarded, Plaintiff's minimum will be at least \$21,540.00, plus attorney's fees and costs.

B. A Preliminary Calculation of Such Wages

1. Unpaid Wages

Time Frame	Rate of Pay	Approx. Hours Worked per Week	Wages Owed (unliquidated)
Ap. 2, 2021-July 29, 2022 (69 weeks)	60% of the work performed (Ranged between \$114.00-\$589.20/week)	60-72 hrs per week	\$4,839.00-\$8,641.00 (approximate)

Plaintiff worked for Defendants) from on or about April 2, 2021, through on or about September 17, 2022. Plaintiff seeks to recover unpaid minimum wages accumulated throughout her entire employment. Throughout her employment, Plaintiff regularly worked 12-hour days, 6 days a week. Plaintiff was compensated based upon a percentage of the revenue she produced. Specifically, Plaintiff received 60% of the service fee per job completed plus tips. A review of the records in Plaintiff's possession, reveals that from April 2, 2021-July 29, 2022, Plaintiff weekly pay fluctuated between \$114.00-\$589.20 rendering Plaintiff's hourly rate below the set minimum wage. Based on a 60-hour work week, Plaintiff's good faith estimate of unpaid minimum wages is at least \$4,839.00. Based on a 72-hour work week, Plaintiff's good faith estimate of unpaid minimum wages is at least \$8,641.00. However, discovery is needed to ascertain the total amount of hours worked and the wages she received each week, and it is anticipated Plaintiff's estimated damages will likely increase.

## 2. Overtime Wages

Time Frame	Rate of Pay	Approx. Hours Worked per Week	Wages Owed (unliquidated)
Apr. 2, 2021-Sep. 17 2022 (76 weeks)	60% of the work performed (Ranged between \$114.00-\$927.00/week)	60-72 hrs per week	\$5,931.00-\$9,450.00 (approximate)

Plaintiff also seeks to recover unpaid overtime wages accumulated throughout her entire employment. Throughout her employment, Plaintiff regularly worked 10-hour days, 6 days a week and was not compensated at the time and half rate for all hours that Plaintiff worked in excess of forty hours per week. During her employment, Plaintiff received 60% of the service fee per job completed. A review of the records in Plaintiff's possession, reveals that Plaintiff's hourly rate did

not exceed one- and one-half times the applicable minimum wage for every hour worked for most of the weeks of her employment. Accordingly Plaintiff contends that she is owed the half rate for all hours worked for at least 74 weeks. Based on a 60-hour work week, Plaintiff's good faith estimate of unpaid overtime wages is at least \$5,931.00. Based on a 72-hour work week, Plaintiff's good faith estimate of unpaid overtime wages is at least \$9,450.00. However, discovery is needed to ascertain the total amount of hours worked and the wages she received each week and it is anticipated Plaintiff's estimated damages will likely increase.

Nature of the Wages

The amounts presented represent unpaid minimum wages and overtime wages.

WHEREFORE, based on the foregoing, Plaintiff files this Statement of Claim.

Dated: December 5, 2022.

**PEREGONZA THE ATTORNEYS, PLLC**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 5, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Nathaly Saavedra, Esq.  
Nathaly Saavedra, Esq.

**SERVICE LIST**  
**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF FLORIDA**  
CASE NO.: 1:22-CV-23841-CMA

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